

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HOLGER SIGUENCIA MENDEZ, :
Plaintiff, :
v. : **ORDER**
A. L. CONTRACTOR NY and LUIS : 22 CV 10871 (VB)
MARTINEZ PONCE, :
Defendants. :
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3/28/23

On December 23, 2022, plaintiff commenced the instant action by filing a complaint. (Doc. #1).

On February 22, 2023, plaintiff requested a summons as to defendant Luis Martinez Ponce, which the Clerk of Court issued on February 23, 2023. (Docs. ##3, 4).

To date, plaintiff has not requested a summons as to defendant A. L. Contractor NY.

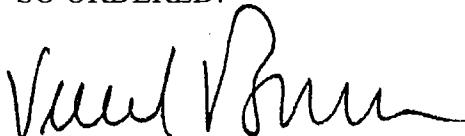
More than ninety days have elapsed since the complaint was filed. Pursuant to Rule 4(m) of the Federal Rules of Civil Procedure: "If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." Fed. R. Civ. P. 4(m).

Pursuant to Rule 4(m), plaintiff had until March 23, 2023, to serve defendants. However, the docket does not reflect that either defendant has been served.

Accordingly, pursuant to Rule 4(m), this action will be dismissed without prejudice unless, on or before April 4, 2023, plaintiff either: (i) files on the ECF docket proof of service, indicating each defendant was served on or before March 23, 2023; or (ii) shows good cause in writing for plaintiff's failure to comply with Rule 4(m).

Dated: March 27, 2023
White Plains, NY

SO ORDERED:



Vincent L. Briccetti
United States District Judge